IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 3198 of 2005

Between:

M. Sasirekha, W/o M. Rami Reddy,
R/o H.No. 3-106/A, Hanuman Nagar, Chaitanyapuri, Hyderabad.

..... PETITIONER

AND

1 The Vice-Chairman & Managing Director,

A.P. Housing Board, Gruhakalpa, M.J. Road,
Hyderabad.

2 The Executive Engineer, Central Division,

A.P. Housing Board, Gruhakalpa, M.J. Road,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in issuing Lr.No.1483/E6/EE/(CD)/95, dated 15-2-2005 directing the petitioner to vacate the premises and to pay the arrears of rent, is highly illegal, with a direction to the respondents not to insist the petitioner to vacate the open space allotted to the petitioner admeasuring 36 Sft., at Block No. M.II, Manoranjan Building, M.J. Road, Hyderabad.

Counsel for the Petitioner:MR.M.V.S.SAI KUMAR

Counsel for the Respondent Nos.1 and 2: MR.J.PRABHAKAR

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.3198 OF 2005

ORDER:

The petitioner assails the letter dt.15.2.2005 issued by second respondent directing her to vacate the space allotted to her for Xerox-cum-S.T.D. booth. She was also informed that if she fails to do so and also fails to clear all the rental dues, a case would be filed under Section 52 of A.P.Housing Board Act, 1956 (for short, the Act) for recovery of arrears of rent. Apprehending that she might be subjected to coercive eviction, present Writ Petition is filed.

This Court while admitting the Writ Petition passed interim orders in W.P.M.P.No.4320 of 2005 directing the respondents not to dispossess the petitioner. An application is now moved for vacating the said order. The matter is heard finally and is being disposed of at the interlocutory stage itself.

Learned Standing Counsel for the A.P.Housing Board Sri J. Prabhakar submits that the impugned order is by way of notice to the petitioner and if the petitioner fails to vacate the premises, Housing Board shall have to file a case under Section 52 of the Act. In that view of the matter, the apprehension of the petitioner is misconceived. Liberty is given to the A.P.Housing Board to take necessary steps as per the provisions of the Act to evict the petitioner and also for recovery of rents.

The Writ Petition, with the above observations, is accordingly dismissed.

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(V.V.S.RAO, J)

21.6.2005

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To

1 The Vice-Chairman & Managing Director,

A.P. Housing Board, Gruhakalpa, M.J. Road,
Hyderabad.

2 The Executive Engineer, Central Division,

A.P. Housing Board, Gruhakalpa, M.J. Road,
Hyderabad.

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